

REMARKS

This application is a continuation of parent application Serial No. 10/144,122 filed May 10, 2002. By the foregoing Preliminary Amendment, claims 1, 4 and 7 from the parent application are presented for consideration and, as set forth more fully hereinafter, claim 1 is amended to more clearly distinguish from prior art cited thereagainst during prosecution of the parent application. Consideration and allowance of claim 1 is respectfully solicited together with the allowance of claims 4 and 7 which are dependent from claim 1.

During prosecution of the parent application, claims 1, 4 and 7 as originally filed were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 460,230 to Gunnarson and, in conjunction with finally rejecting these claims, the examiner submitted "ATTACHMENT 'A'" which is an enlargement of Figure 1 of Gunnarson and a copy of which is submitted herewith. With regard to the latter, it was the examiner's contention in connection with the final rejection that "The plurality of teeth are shown as lying along the fixed jaw 'B'. The blue markings show at least three of the plurality of discrete teeth wherein each discrete tooth is for engaging one of a plurality of workpieces having different diameters. The remaining discrete teeth lie between teeth '1' and '2' and between teeth '2' and '3.' Teeth are located between adjacent ones of the discrete teeth (the teeth between the discrete teeth that do not engage a workpiece) since not all of the teeth engage a workpiece. Note that Gunnarson discloses 9 workpieces and 20 teeth on the fixed jaw. Gunnarson discloses the camming angles as marked in red for at least three of the discrete teeth with corresponding workpieces."

In responding to the final rejection, applicants submitted Exhibits 1-7, reproductions of which are submitted herewith. Exhibit 1 is an enlargement of Figures 1 and 3 of Gunnarson with

annotations by applicants in red ink, and Exhibits 2-7 are enlargements of Figure 1 of Gunnarson with annotations by applicants in red ink and showing jaw B progressively in engagement with the largest to the smallest diameter workpieces indicated in Gunnarson, except for the jaw locations numbered 1, 2 and 3 in Gunnarson.

It was, and is, applicant's contention with regard to Exhibit 1 that, at location 2 in Figure 1 of Gunnarson the tooth above the tooth indicated by the examiner to contact the workpiece also engages the workpiece and that the same relationship exists at location 3 in Figure 1. Moreover, in Figure 3 of Gunnarson in Exhibit 1, two teeth on jaw B engage the corresponding workpiece at locations 1 and 2, whereas as a single tooth engages the workpiece at location 3. As is clearly set forth in Gunnarson on page 1, lines 27-30, the tool in Figure 3 is "constructed on exactly the same principal as Fig. 1 and referring to the same description." Figure 3 does not show the same single tooth engagement with the workpiece at location 1 as is shown in Figure 1. Further, in each of applicants' Exhibits 2, 3, 6, and 7 two adjacent teeth on jaw B engage the corresponding workpiece, and the only clear showing of single tooth contact is in Figure 1 of Exhibit 1 at location 1 and in Figure 3 of Exhibit 1 at location 3, and in Exhibits 4 and 5.

It was, and is, applicants further contention with regard to Gunnarson that, in addition to the foregoing discrepancies in the drawings thereof, there is absolutely no reference in the specification of Gunnarson to a plurality of discrete teeth each for engaging a workpiece of different diameter. To the contrary, Gunnarson's design is based on the teeth m and n which are decreased in size toward the corner 1, and the only reference to the design of jaw B is that it will have a curvature which provides for the same angle of leverage c-i-l from a line drawn through the pivot c to the center of each pipe. This is clearly set forth in Gunnarson at page 1, lines 49-65. Therefore, it is a

desired leverage upon which Gunnarson's design is based, and that leverage is obtained independent of whether or not one or two adjacent teeth on jaw B engage the workpiece. Indeed, as pointed out hereinabove, applicants Exhibits 1-7 show both single and multiple tooth engagement.

In responding to applicants' reply to the final rejection in which the rejection of original claims 1, 4 and 7 was continued, the examiner stated with respect to applicants' arguments "Note that claim 1 does not define 'a single tooth contact.' Claim 1 defines one of said plurality of discrete teeth provided on said fixed jaw for the workpiece of a given diameter. Applicant has clearly differentiated between the plurality of teeth and a plurality of discrete teeth for engaging the workpiece. Attachment 'A' discloses the 'claimed' subject including one of the plurality of discrete teeth, the teeth between the discrete teeth, and the claimed angles."

While applicants do not agree with the examiner's interpretation of claim 1, the latter claim as herein amended clearly sets forth that each discrete tooth is for "providing single tooth contact with a different one of a plurality of cylindrical workpieces having different diameters." Furthermore, the amendment of claim 1 herein clearly sets forth that a workpiece of given diameter to be gripped by the wrench is cradled between the first and second jaw faces and is engaged by just the one of the plurality of discrete teeth provided for that workpiece. It is respectfully submitted, therefore, that claim 1 as herein amended clearly distinguishes from Gunnarson and is allowable, together with claims 4 and 7 which are dependent therefrom. Furthermore, Exhibits 1-7 clearly show that Gunnarson does not disclose jaw teeth between adjacent ones of the discrete teeth as the latter is now more clearly defined in claim 1, whereby claim 4 further distinguishes from Gunnarson. Still further, it is respectfully submitted that the subject matter of claim 7 is not anticipated by Gunnarson,

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especially in that the latter does not disclose discrete teeth as now more clearly defined in claim 1 from which claim 7 depends.

In summary, it is respectfully submitted for the foregoing reasons that claims 1, 4 and 7 patentably distinguish from Gunnarson and are allowable. Accordingly, consideration and allowance thereof is respectfully requested.

Respectfully submitted,

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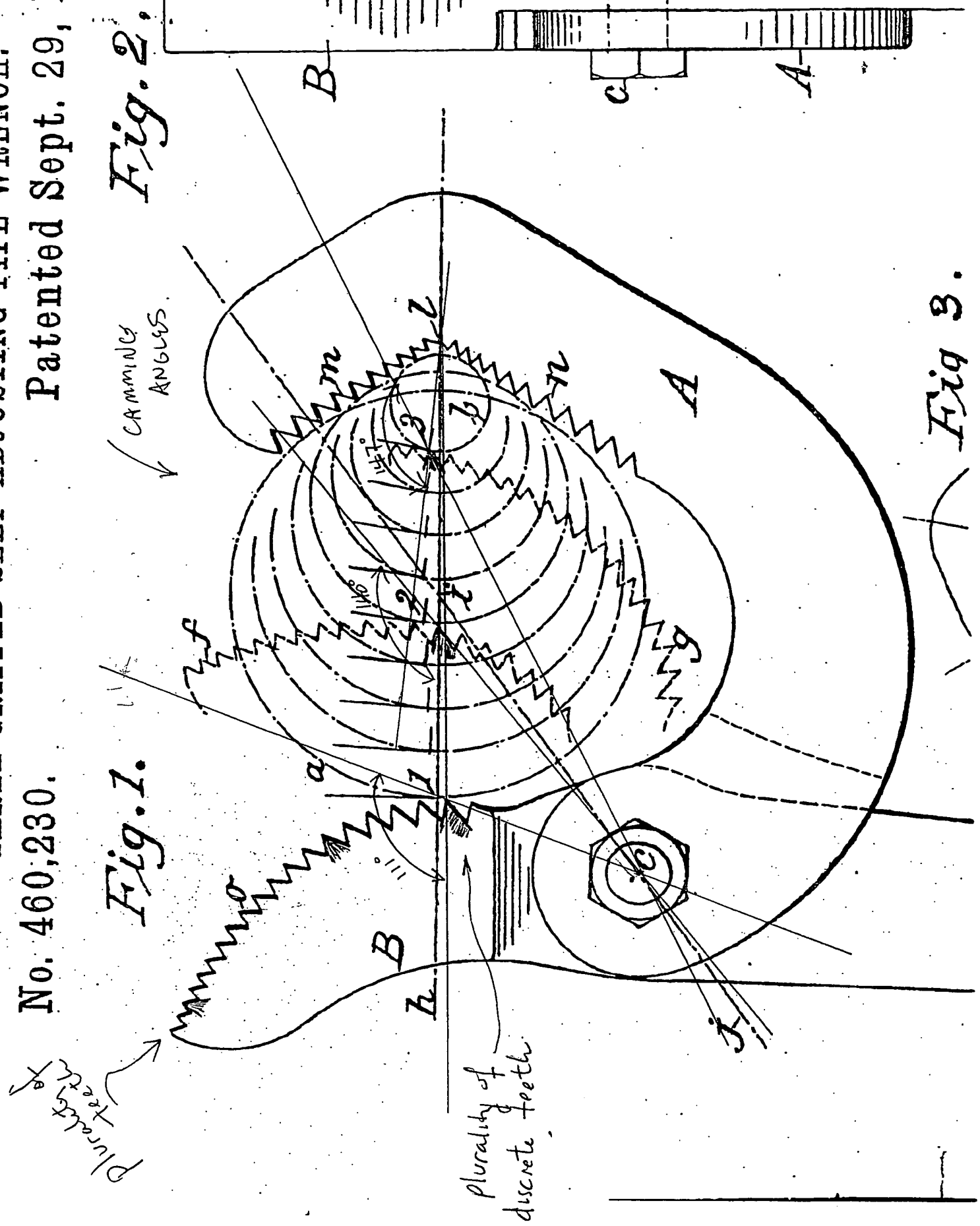
THREE GRIPPED SELF ADJUSTING PIPE WRENCH.

No. 460,230.

Patented Sept. 29,

Fig. 1.

Fig. 2.



ATTACHMENT "A"

EXHIBIT 1 Pate

Fig. 1.

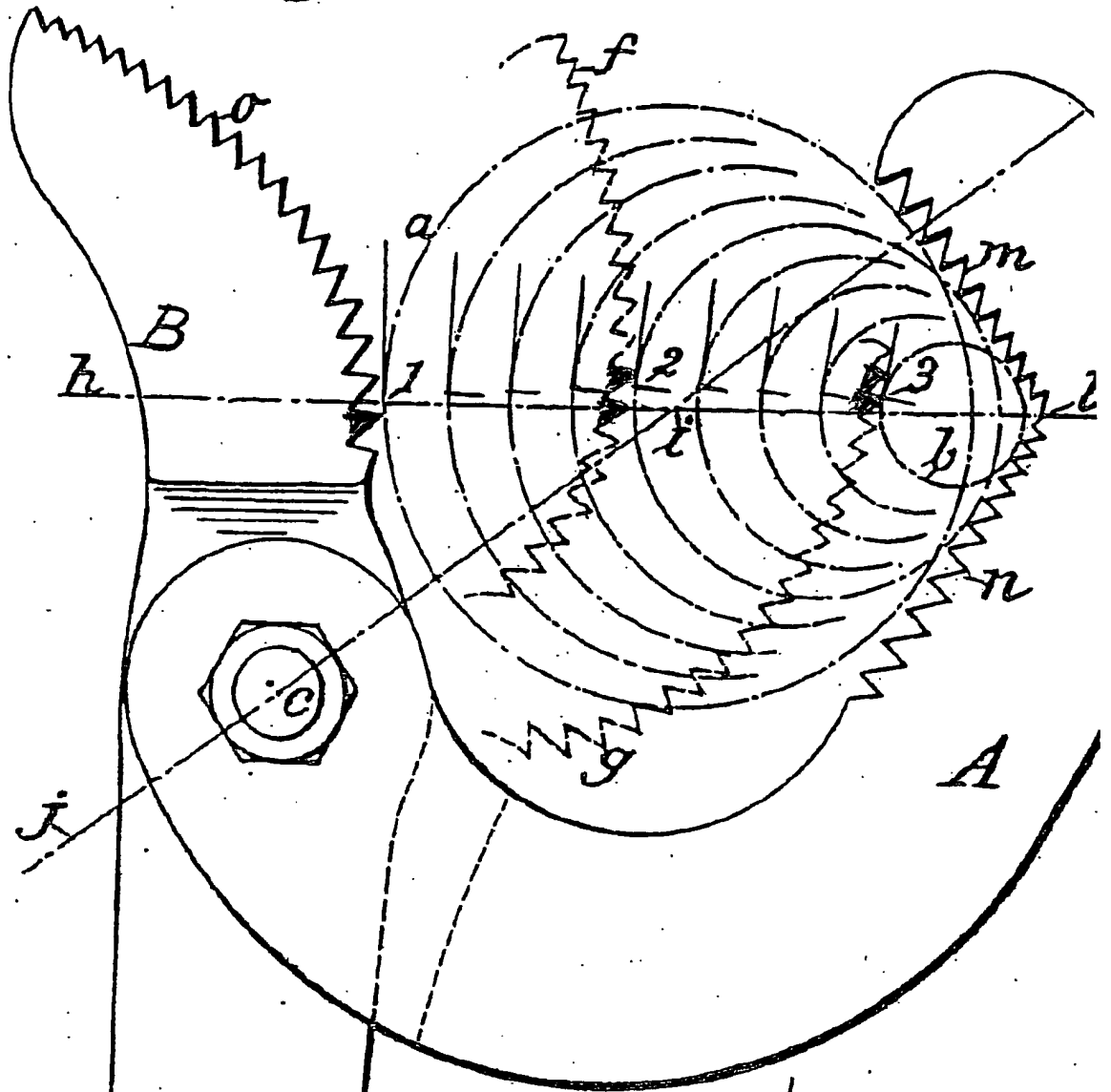
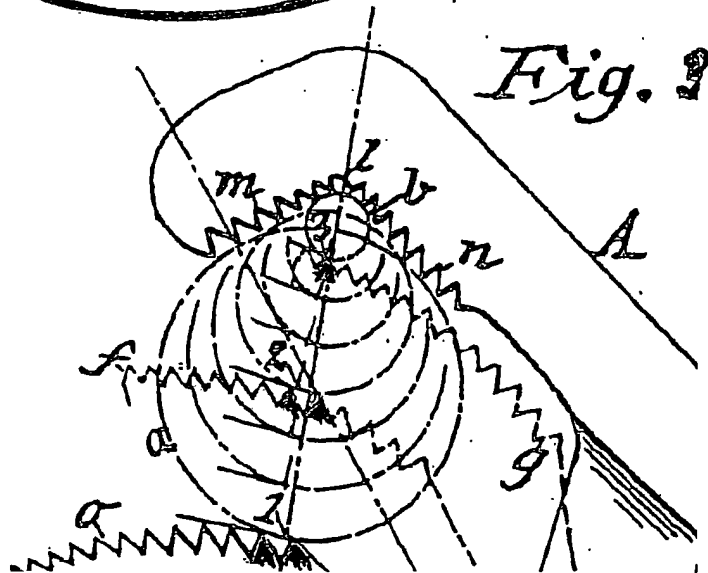


Fig. 1



IMBED GRIPPED SELF ADJUSTING
No. 460,230. EXHIBIT 2 Pate

Fig 1

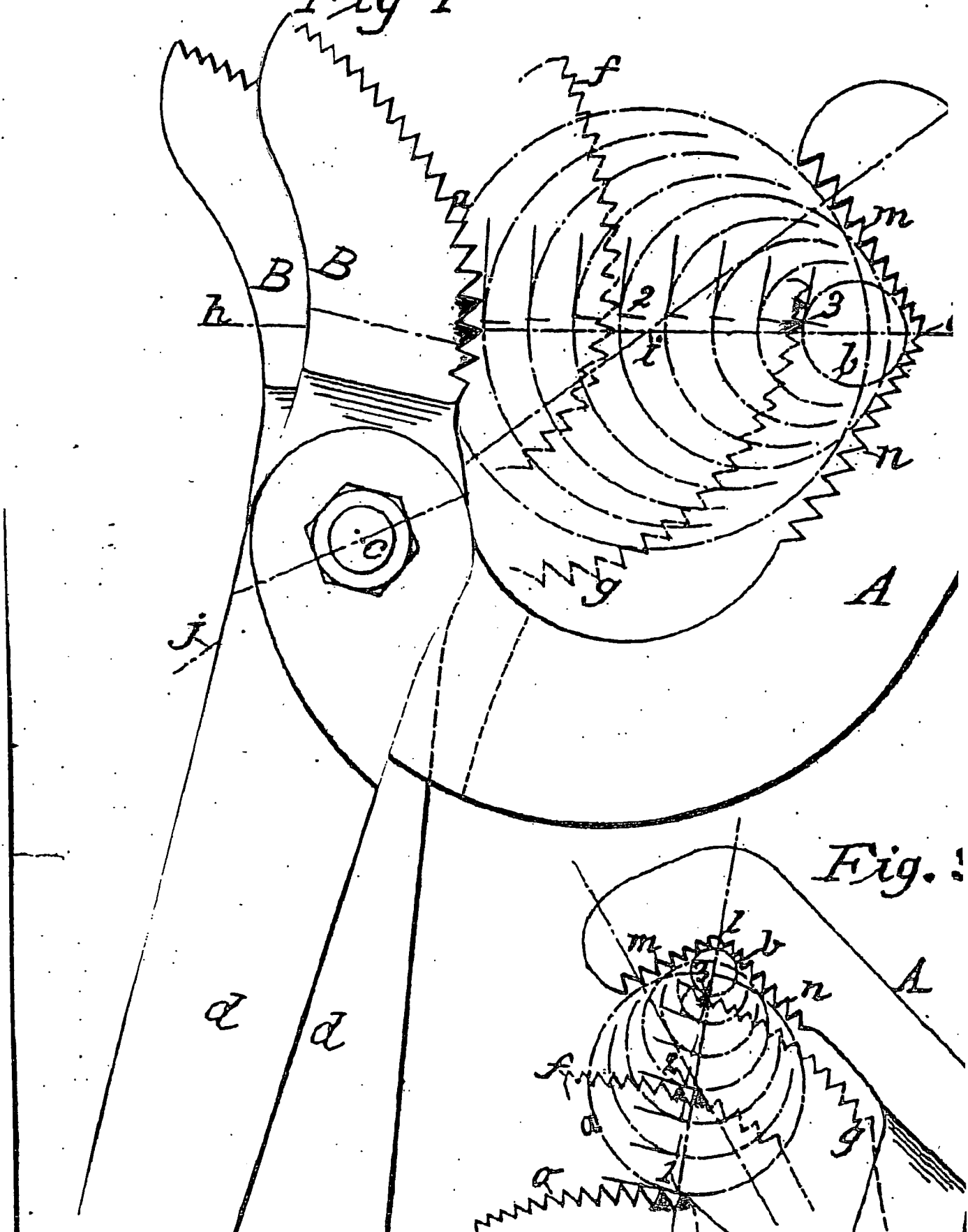
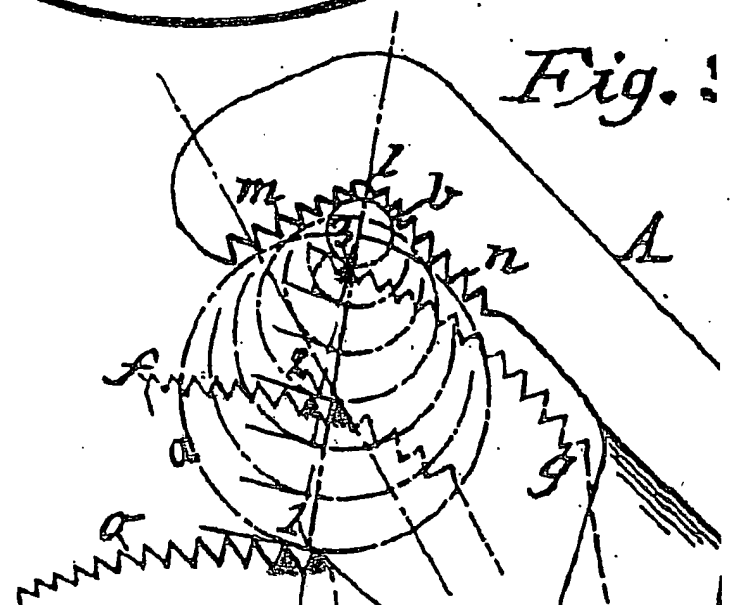
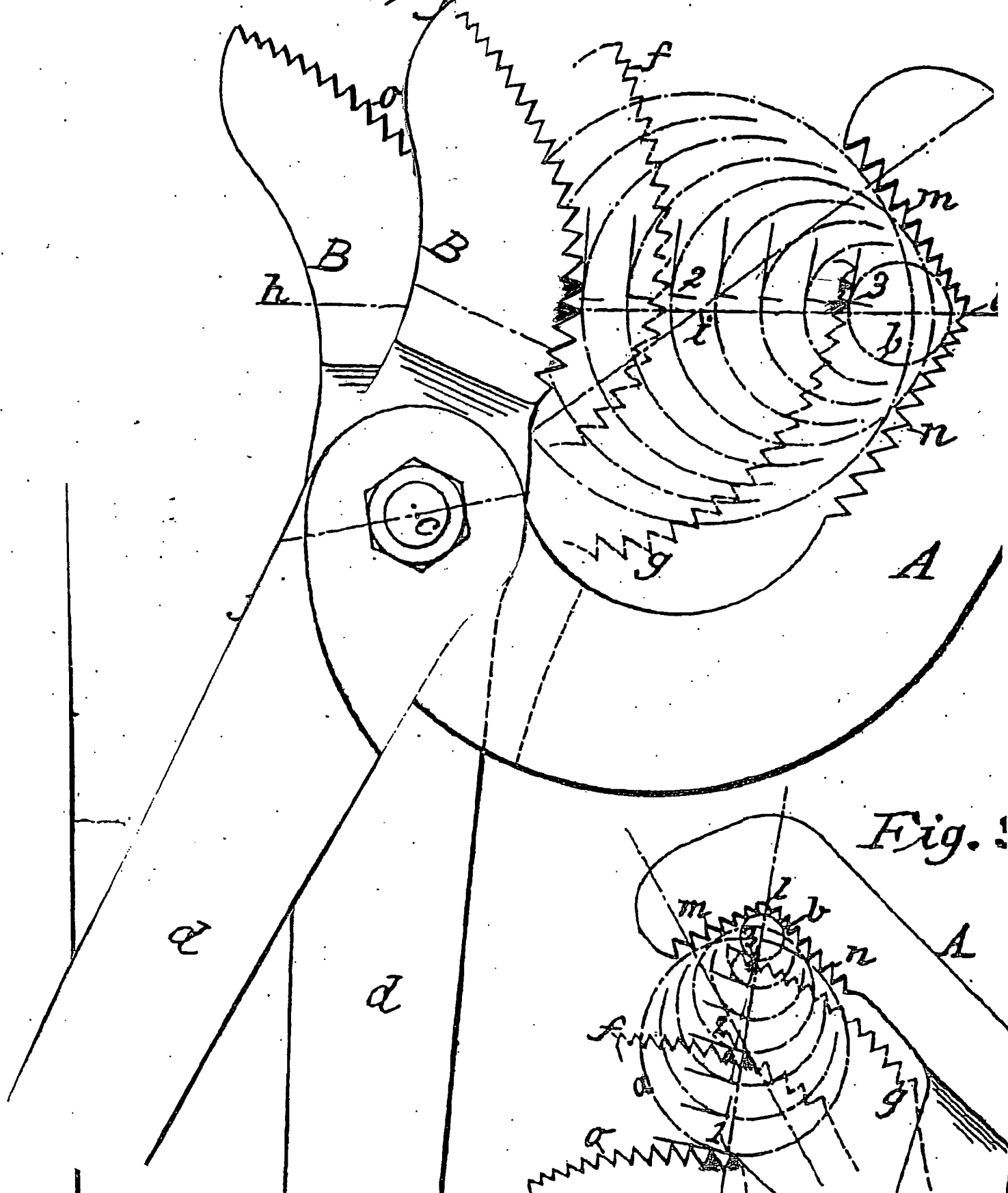


Fig. 2



THREE GRIPPED SELF ADJUSTING
No. 460,230. EXHIBIT 3 Pate

Fig 1



THREE GRIPPED SELF ADJUSTING
No. 460,230. EXHIBIT 4 Pate

Fig. 1.

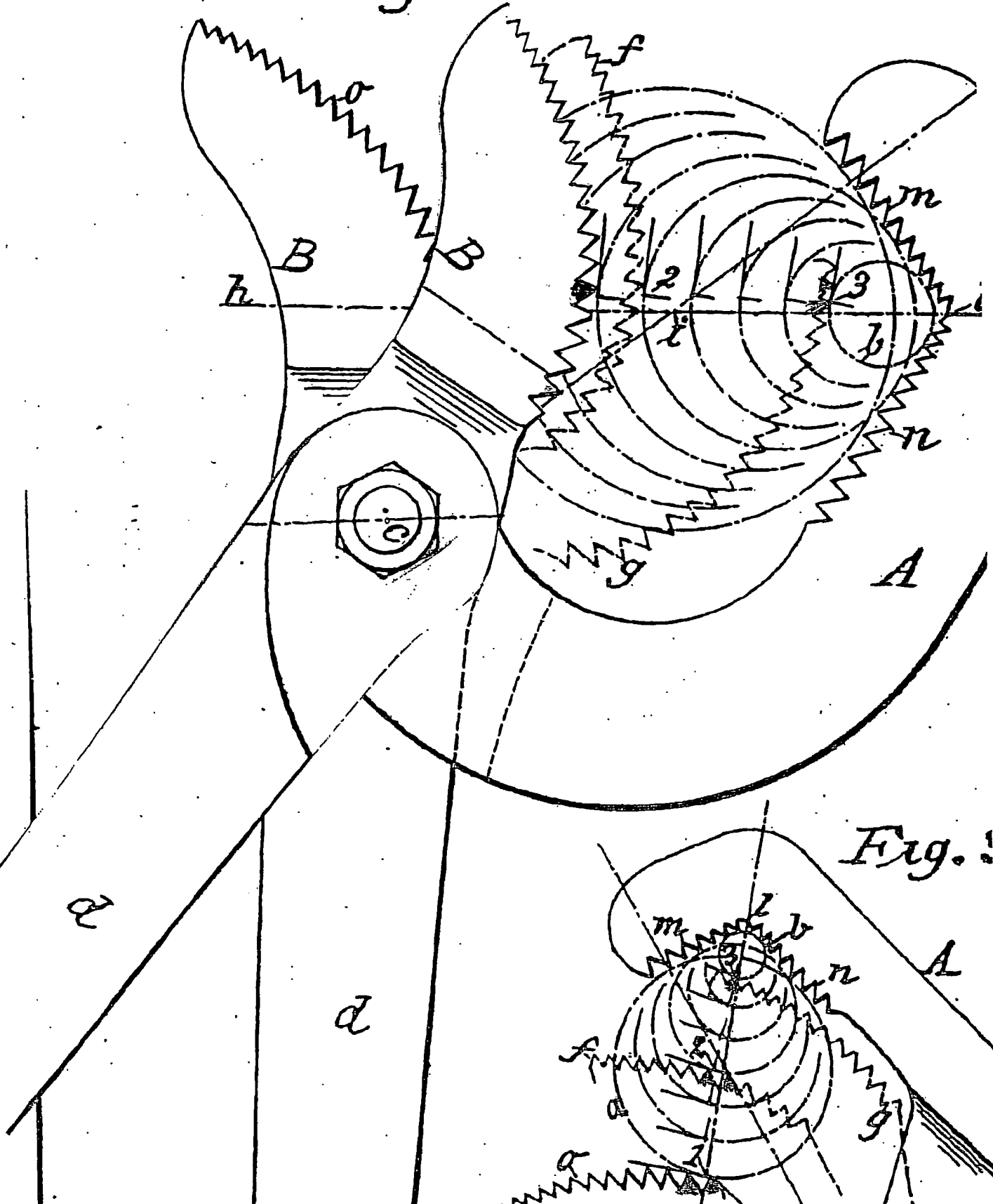


Fig 1.

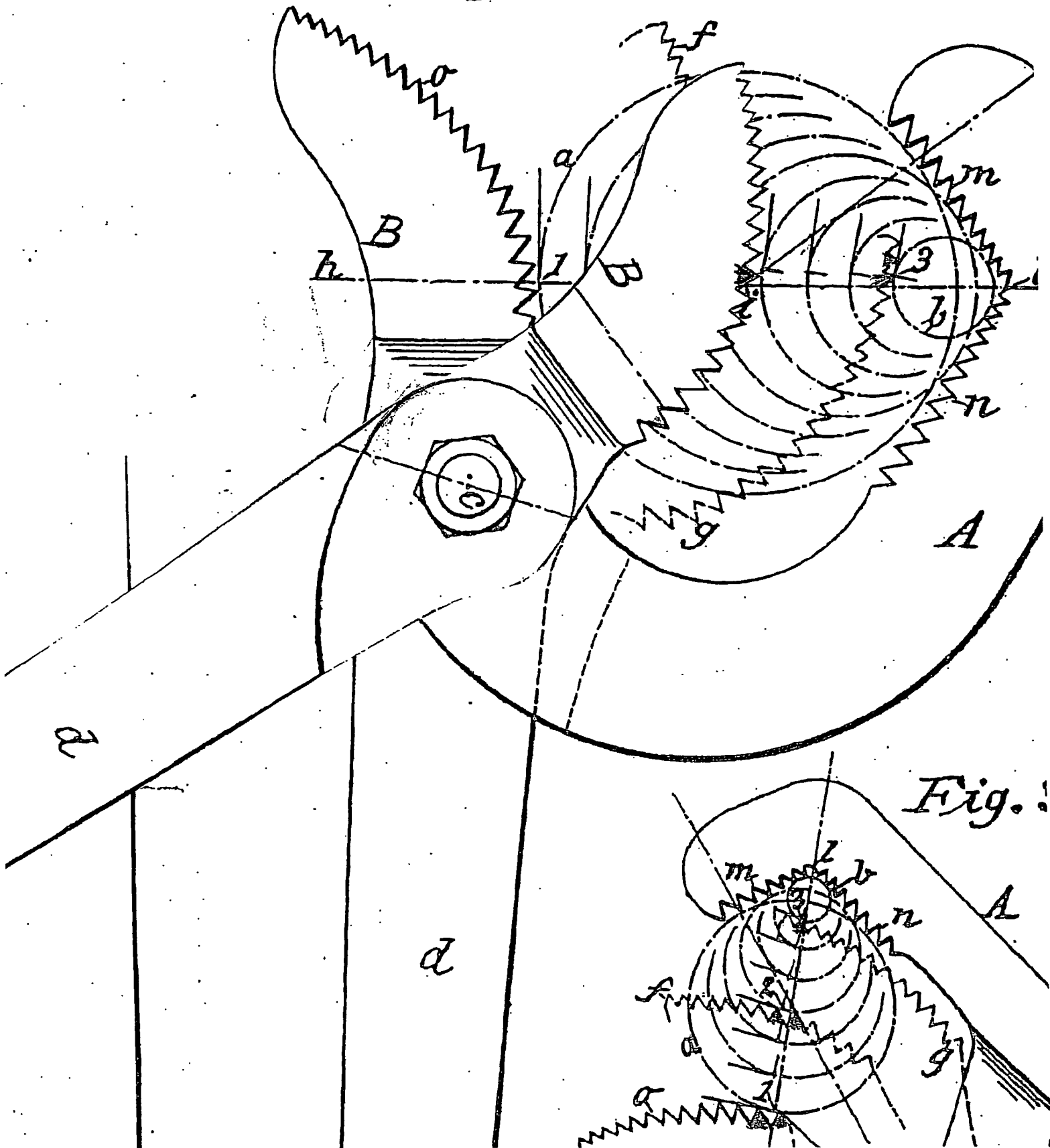


Fig. 2

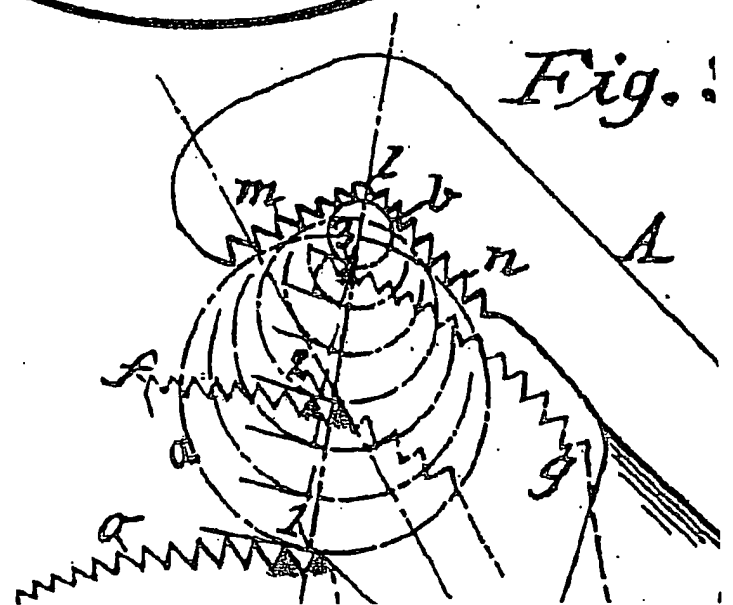


Fig 1.

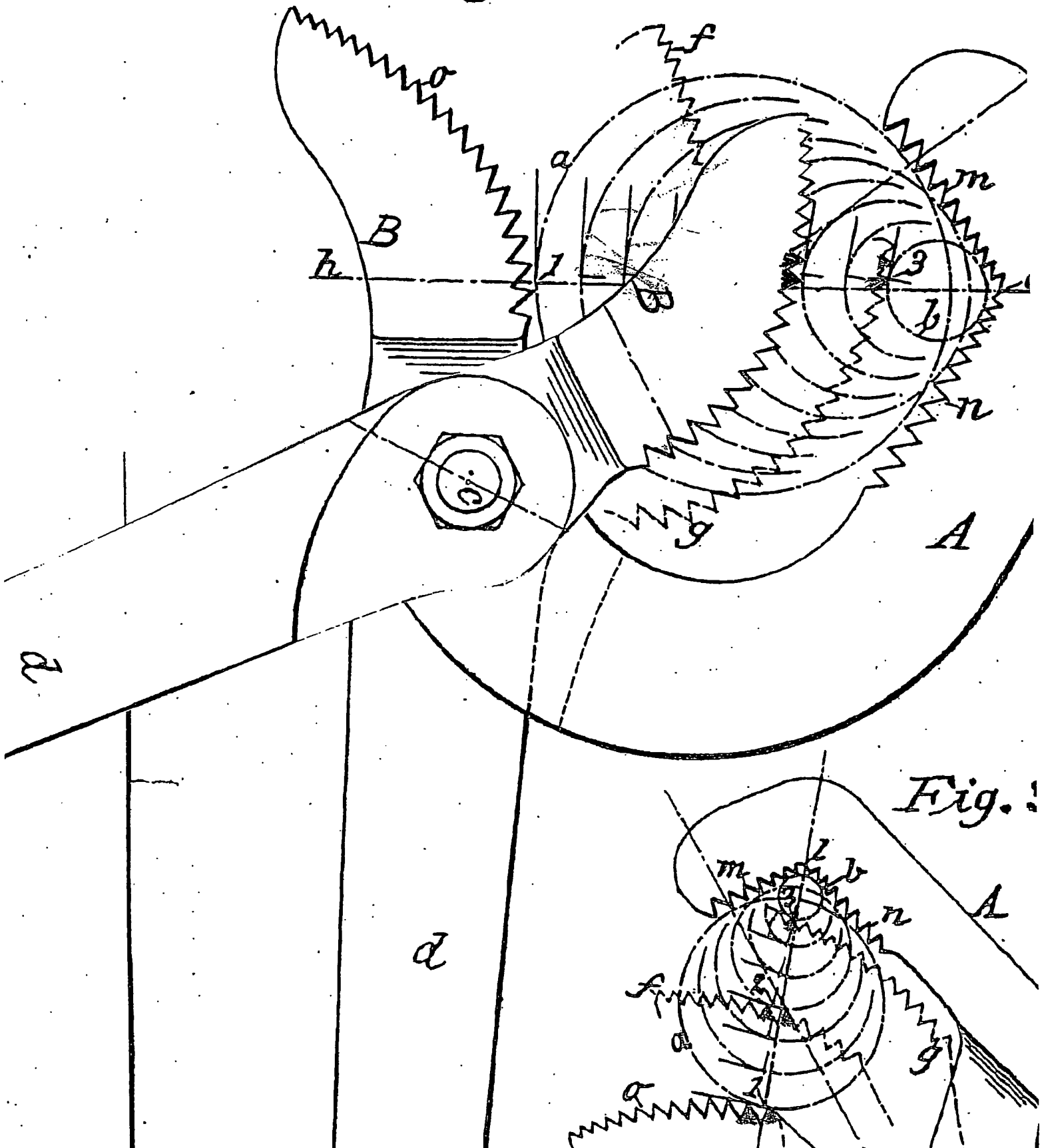


Fig 1.

